REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks.

It is noted that claims 1 to 7 and 15 have been withdrawn from further consideration.

The amendments to this patent application are as follows.

In order to overcome the formal objections made by the Patent Examiner under 35 U.S.C. 112, elected claims 8-14 have been amended in order to overcome the rejection of such claims as being indefinite. Thus, the reference numerals have been deleted from the elected claims and redundant language in claim 8 has been deleted. The Specification was amended on Page 3 to cancel any reference to the claims there in the Specification.

Withdrawal of this ground of rejection under 35 U.S.C. 112 is respectfully requested.

The rejection of claims 8-14 under 35 U.S.C. 103(a) is respectfully traversed, as it is believed to be in error.

First, it should be emphasized that *Eidenbock et al.* does not explicitly disclose two half-mandrels whose curvature radius is different. According to *Eidenbock et al.*, what is really relevant is the ratio between the curvature radius of at least

one half-mandrel and the curvature radius of the bore wherein the half-mandrels are inserted. *Eidenbock et al.* does not teach anything about the curvature radius of the "other" half-mandrel; and it does not explicitly disclose that the two half-mandrels may have different curvature radii. Even more importantly, for the assessment of non-obviousness, *Eidenbock et al.* does not motivate one skilled in the art to use two half-mandrels having different curvature radii.

The reasoning proposed by the Office Action is that a person skilled in the art would be motivated "because the half-mandrel is easy to insert into the bore." It is respectfully submitted that this is not supported by the disclose of this reference. Indeed it is not proper since a person skilled in the art may modify the shape of a half-mandrel in many alternative ways in order to achieve such a result. However, a person skilled in the art would not have any reason to modify a half-mandrel in that particular manner claimed in all the claims.

In addition to all the above discussed arguments, it is evident that the prior art does not point out:

-that not only two half-mandrels having different curvature radii are recited in the claims;

-and that claim 8 also specifies that the half-mandrel

having smaller curvature radius mates the surface of the first portion (6) (i.e. the portion connected integrally to rod 2).

This feature is clearly neither disclosed nor suggested by any of the prior art documents and it is important for obtaining a high concentration of the mechanical stress in the break planes 13 and 14. In this regard, it is worth noting that "portion 6 (as it is directly connected to rod 2) is more rigid than cap 7" (paragraph 0044 of the application as filed).

More particularly, *Eidenbock et al.*in column 1, in lines 10 to 18, and in lines 27 to 32, discloses a process for fracture separating the bearing cover of a multi-part bearing arrangement in an engine unit of an internal-combustion engine in which case the fracture separating surfaces of the bearing cover and the engine unit, which correspond in pairs in an accurately fitting manner, are situated essentially in a common plane.

Eidenbock et al. further teaches a fracture separating process in which also fracture separating surfaces which extend in a sloped manner with respect to one another can be achieved in arbitrary bearing arrangements, preferably for crankcases having cylinders arranged in a V-shape.

Thus, *Eidenbock et al.* fails to teach or to suggest the claimed invention.

The Applicant's Admitted Prior Art (AAPA) is discussed in part on pages 2 and 3 of the present Specification as follows.

The big end is normally cut or, preferably, broken by traction into the two portions.

Since the cap must eventually be reconnected to the first portion at assembly, the contact surfaces between the cap and the first portion must mate as accurately as possible to reduce the formation, during operation of the engine, of stress and/or deformation which may damage the connecting rod or other parts of the engine.

For this reason, the break must be as "fragile", i.e. result in as little inelastic deformation, as possible. In which connection, it is important to note that any deformation, even not in the area of the break, may still promote failure and stress during operation of the engine.

The break is normally made using a device comprising two traction members, which, in use, are inserted inside the eye and pulled apart to detach the cap from the first portion of the big end. The traction members have respective thrust surfaces in the form of a cylindrical sector, and which mate with said annular surface and have substantially identical angles of curvature.

Though long used for machining connecting rods of relatively high-carbon steel, attempts so far to apply the above device to low case hardened steel connecting rods have resulted in breaks of relatively poor "fragility" and therefore in parts substantially unsuitable for use in modern combustion engines.

Thus, the AAPA is not relevant to the claimed invention.

For all the reasons set forth above, no prior art reference provides an identical disclosure of the claimed invention. Hence, the present invention is not anticipated under 35 U.S.C. 102. Withdrawal of this ground of rejection is respectfully requested. For all these reasons, all the claims are patentable under 35 U.S.C. 103 over all the prior art applied by the Patent Examiner. A prompt notification of allowability is respectfully requested.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 8, 2006.

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